UNITED NATIONS **A**

General Assembly

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A/RES/48/133
18 February 1994

Forty-eighth session
Agenda item 114 (b)

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/48/632/Add.2)]

48/133. International Year of the World's Indigenous People, 1993

The General Assembly,

Bearing in mind that one of the purposes of the United Nations set forth in the Charter is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without discrimination as to race, sex, language or religion,

Recognizing and respecting the value and the diversity of cultures, as well as the cultural heritage and the forms of social organization of the world's indigenous people,

Recalling its resolution 45/164 of 18 December 1990, in which it proclaimed 1993 the International Year of the World's Indigenous People, with a view to strengthening international cooperation for the solution of problems faced by indigenous communities in areas such as human rights, the environment, development, education and health,

Conscious of the need to improve the economic, social and cultural situation of the indigenous people with full respect for their distinctiveness and their own initiatives,

Appreciative of the contributions made to the voluntary fund for the Year opened by the Secretary-General,

Noting the establishment of the fund for the development of indigenous peoples of Latin America and the Caribbean as one kind of support for the objectives of the Year,

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Taking note of the recommendation of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, that an international decade of the world's indigenous people should be proclaimed, 1/

Noting the need to continue strengthening the initiatives taken as a result of the Year,

Recalling the request to the Subcommission on Prevention of Discrimination and Protection of Minorities that it should complete its consideration of the draft universal declaration on the rights of indigenous peoples,

1. Calls upon the United Nations system and Governments that have not yet done so to develop policies in support of the objectives and the theme of the International Year of the World's Indigenous People and to strengthen the institutional framework for their implementation;

2. Recommends to all thematic rapporteurs, special representatives, independent experts and working groups that they pay particular attention, within the framework of their mandates, to the situation of indigenous people;

3. Urges the Assistant Secretary-General for Human Rights to continue to solicit actively the cooperation of specialized agencies, regional commissions, financial and development institutions and other relevant organizations of the United Nations system for the promotion of a programme of activities in support of the objectives and the theme of the Year;

4. Appeals to the specialized agencies, regional commissions and financial and development institutions of the United Nations system to continue to increase their efforts to take into special account the needs of indigenous people in their budgeting and in their programming;

5. Requests:

(a) That reports of the three technical meetings, first provided for in paragraph 8 of General Assembly resolution 46/128 of 17 December 1991, be included in the final assessment proceedings provided for in paragraph 12 of the same resolution and that their conclusions be included in the report of the Coordinator for the Year to be submitted to the General Assembly at its forty-ninth session;

(b) That the Commission on Human Rights convene, from within existing resources, a meeting of participants in the programmes and projects of the Year, in the three days preceding the twelfth session of the Working Group on Indigenous Populations of the Subcommission on Prevention of Discrimination and Protection of Minorities, to report to the Working Group on the conclusions that can be drawn from the activities of the Year with a view to the elaboration of a detailed plan of action and the establishment of a funding plan for the International Decade of the World's Indigenous People;

1/ A/CONF.157/24 (Part I), chap. III, sect. II, para. 32.

6. Stresses the relevance for the solution of problems faced by indigenous communities of the recommendations contained in chapter 26 of Agenda 21, 2/ including their implementation;

7. Notes with satisfaction the holding at Manila of a Global Youth Earth-saving Summit which, by its reaffirmation of the role of traditional cultures in the preservation of the environment, underscored the right to cultural survival;

8. Welcomes the proposal for a gathering of indigenous youth in 1995, an "Indigenous Youth Cultural Olympics", as a follow-up to the Year, to be held in conjunction with the International Decade of the World's Indigenous People and the fiftieth anniversary of the United Nations, to reaffirm the value of traditional cultures, folk arts and rituals as effective expressions of respective national identities and as a foundation for a shared vision for peace, freedom and equality;

9. Stresses that the governmental and intergovernmental activities undertaken within the context of the Year and beyond should take fully into account the development needs of indigenous people and that the Year should contribute to enhancing and facilitating the coordination capabilities of Member States for collecting and analysing information;

10. Notes that there is a continuing need within the United Nations system to aggregate data specific to indigenous people by means of enhancing and facilitating the coordination capabilities of Member States for collecting and analysing such data;

11. Requests the Subcommission on Prevention of Discrimination and Protection of Minorities, at its forty-sixth session, to complete its consideration of the draft universal declaration on the rights of indigenous peoples and to submit its report to the Commission on Human Rights at its fifty-first session;

12. Requests the Coordinator for Year, in the report to be submitted to the General Assembly at its forty-ninth session on the activities developed and the results achieved within the context of the Year, to include an account of the response of the United Nations system to the needs of indigenous people;

13. Expresses its appreciation for the work undertaken for the Year by Governments, the Coordinator for the Year, the International Labour Organisation, the Goodwill Ambassador, Ms. Rigoberta Menchu, indigenous and non-governmental organizations, the Commission on Human Rights and the Working Group on Indigenous Populations.

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2/ Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992 (A/CONF.151/26/Rev.1 (Vol. I and Vol. 1/Corr.1, Vol. II, Vol. III and Vol. III/Corr.1) (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: Resolutions adopted by the Conference, resolution 1, annex II.

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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/48/632/Add.2)]

48/134. National institutions for the promotion and protection of human rights

The General Assembly,

Recalling the relevant resolutions concerning national institutions for the protection and promotion of human rights, notably its resolutions 41/129 of 4 December 1986 and 46/124 of 17 December 1991 and Commission on Human Rights resolutions 1987/40 of 10 March 1987, 1/ 1988/72 of 10 March 1988, 2/ 1989/52 of 7 March 1989, 3/ 1990/73 of 7 March 1990, 4/ 1991/27 of 5 March 1991 5/ and 1992/54 of 3 March 1992, 6/ and taking note of Commission resolution 1993/55 of 9 March 1993, 7/

1/ See Official Records of the Economic and Social Council, 1987, Supplement No. 5 and corrigenda (E/1987/18 and Corr.1 and 2), chap. II, sect. A.

2/ Ibid., 1988, Supplement No. 2 and corrigendum (E/1988/12 and Corr.1), chap. II, sect. A.

3/ Ibid., 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

4/ Ibid., 1990, Supplement No. 2 and corrigendum (E/1990/22 and Corr.1), chap. II, sect. A.

5/ Ibid., 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

6/ Ibid., 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

7/ Ibid., 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

/...

Emphasizing the importance of the Universal Declaration of Human Rights, 8/ the International Covenants on Human Rights 9/ and other international instruments for promoting respect for and observance of human rights and fundamental freedoms,

Affirming that priority should be accorded to the development of appropriate arrangements at the national level to ensure the effective implementation of international human rights standards,

Convinced of the significant role that institutions at the national level can play in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing that the United Nations can play a catalytic role in assisting the development of national institutions by acting as a clearing-house for the exchange of information and experience,

Mindful in this regard of the guidelines on the structure and functioning of national and local institutions for the promotion and protection of human rights endorsed by the General Assembly in its resolution 33/46 of 14 December 1978,

Welcoming the growing interest shown worldwide in the creation and strengthening of national institutions, expressed during the Regional Meeting for Africa of the World Conference on Human Rights, held at Tunis from 2 to 6 November 1992, the Regional Meeting for Latin America and the Caribbean, held at San José from 18 to 22 January 1993, the Regional Meeting for Asia, held at Bangkok from 29 March to 2 April 1993, the Commonwealth Workshop on National Human Rights Institutions, held at Ottawa from 30 September to 2 October 1992 and the Workshop for the Asia and Pacific Region on Human Rights Issues, held at Jakarta from 26 to 28 January 1993, and manifested in the decisions announced recently by several Member States to establish national institutions for the promotion and protection of human rights,

Bearing in mind the Vienna Declaration and Programme of Action, 10/ in which the World Conference on Human Rights reaffirmed the important and constructive role played by national institutions for the promotion and protection of human rights, in particular in their advisory capacity to the competent authorities, their role in remedying human rights violations, in the dissemination of human rights information and in education in human rights,

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8/ Resolution 217 A (III).

9/ Resolution 2200 A (XXI), annex.

10/ A/CONF.157/24 (Part I), chap. III.

Noting the diverse approaches adopted throughout the world for the promotion and protection of human rights at the national level, emphasizing the universality, indivisibility and interdependence of all human rights, and emphasizing and recognizing the value of such approaches to promoting universal respect for and observance of human rights and fundamental freedoms,

1. Takes note with satisfaction of the updated report of the Secretary-General, 11/ prepared in accordance with General Assembly resolution 46/124 of 17 December 1991;

2. Reaffirms the importance of developing, in accordance with national legislation, effective national institutions for the promotion and protection of human rights and of ensuring the pluralism of their membership and their independence;

3. Encourages Member States to establish or, where they already exist, to strengthen national institutions for the promotion and protection of human rights and to incorporate those elements in national development plans;

4. Encourages national institutions for the promotion and protection of human rights established by Member States to prevent and combat all violations of human rights as enumerated in the Vienna Declaration and Programme of Action and relevant international instruments;

5. Requests the Centre for Human Rights of the Secretariat to continue its efforts to enhance cooperation between the United Nations and national institutions, particularly in the field of advisory services and technical assistance and of information and education, including within the framework of the World Public Information Campaign for Human Rights;

6. Also requests the Centre for Human Rights to establish, upon the request of States concerned, United Nations centres for human rights documentation and training and to do so on the basis of established procedures for the use of available resources within the United Nations Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights;

7. Requests the Secretary-General to respond favourably to requests from Member States for assistance in the establishment and strengthening of national institutions for the promotion and protection of human rights as part of the programme of advisory services and technical cooperation in the field of human rights, as well as national centres for human rights documentation and training;

8. Encourages all Member States to take appropriate steps to promote the exchange of information and experience concerning the establishment and effective operation of such national institutions;

9. Affirms the role of national institutions as agencies for the dissemination of human rights materials and for other public information activities, prepared or organized under the auspices of the United Nations;

11/ A/48/340.

10. Welcomes the organization under the auspices of the Centre for Human Rights of a follow-up meeting at Tunis in December 1993 with a view, in particular, to examining ways and means of promoting technical assistance for the cooperation and strengthening of national institutions and to continuing to examine all issues relating to the question of national institutions;

11. Welcomes also the Principles relating to the status of national institutions, annexed to the present resolution;

12. Encourages the establishment and strengthening of national institutions having regard to those principles and recognizing that it is the right of each State to choose the framework that is best suited to its particular needs at the national level;

13. Requests the Secretary-General to report to the General Assembly at its fiftieth session on the implementation of the present resolution.

85th plenary meeting
20 December 1993

ANNEX

Principles relating to the status of national institutions

Competence and responsibilities

1. A national institution shall be vested with competence to promote and protect human rights.

2. A national institution shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text, specifying its composition and its sphere of competence.

3. A national institution shall, inter alia, have the following responsibilities:

(a) To submit to the Government, Parliament and any other competent body, on an advisory basis either at the request of the authorities concerned or through the exercise of its power to hear a matter without higher referral, opinions, recommendations, proposals and reports on any matters concerning the promotion and protection of human rights; the national institution may decide to publicize them; these opinions, recommendations, proposals and reports, as well as any prerogative of the national institution, shall relate to the following areas:

(i) Any legislative or administrative provisions, as well as provisions relating to judicial organizations, intended to preserve and extend the protection of human rights; in that connection, the national institution shall examine the legislation and administrative provisions in force, as well as bills and proposals, and shall make such recommendations as it deems appropriate in order to ensure that these provisions conform to the fundamental principles of human rights; it shall, if

necessary, recommend the adoption of new legislation, the amendment of legislation in force and the adoption or amendment of administrative measures;

(ii) Any situation of violation of human rights which it decides to take up;

(iii) The preparation of reports on the national situation with regard to human rights in general, and on more specific matters;

(iv) Drawing the attention of the Government to situations in any part of the country where human rights are violated and making proposals to it for initiatives to put an end to such situations and, where necessary, expressing an opinion on the positions and reactions of the Government;

(b) To promote and ensure the harmonization of national legislation regulations and practices with the international human rights instruments to which the State is a party, and their effective implementation;

(c) To encourage ratification of the above-mentioned instruments or accession to those instruments, and to ensure their implementation;

(d) To contribute to the reports which States are required to submit to United Nations bodies and committees, and to regional institutions, pursuant to their treaty obligations and, where necessary, to express an opinion on the subject, with due respect for their independence;

(e) To cooperate with the United Nations and any other organization in the United Nations system, the regional institutions and the national institutions of other countries that are competent in the areas of the promotion and protection of human rights;

(f) To assist in the formulation of programmes for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles;

(g) To publicize human rights and efforts to combat all forms of discrimination, in particular racial discrimination, by increasing public awareness, especially through information and education and by making use of all press organs.

Composition and guarantees of independence and pluralism

1. The composition of the national institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the promotion and protection of human rights, particularly by powers which will enable effective cooperation to be established with, or through the presence of, representatives of:

(a) Non-governmental organizations responsible for human rights and efforts to combat racial discrimination, trade unions, concerned social and

professional organizations, for example, associations of lawyers, doctors, journalists and eminent scientists;

(b) Trends in philosophical or religious thought;

(c) Universities and qualified experts;

(d) Parliament;

(e) Government departments (if these are included, their representatives should participate in the deliberations only in an advisory capacity).

2. The national institution shall have an infrastructure which is suited to the smooth conduct of its activities, in particular adequate funding. The purpose of this funding should be to enable it to have its own staff and premises, in order to be independent of the Government and not be subject to financial control which might affect its independence.

3. In order to ensure a stable mandate for the members of the national institution, without which there can be no real independence, their appointment shall be effected by an official act which shall establish the specific duration of the mandate. This mandate may be renewable, provided that the pluralism of the institution's membership is ensured.

Methods of operation

Within the framework of its operation, the national institution shall:

(a) Freely consider any questions falling within its competence, whether they are submitted by the Government or taken up by it without referral to a higher authority, on the proposal of its members or of any petitioner;

(b) Hear any person and obtain any information and any documents necessary for assessing situations falling within its competence;

(c) Address public opinion directly or through any press organ, particularly in order to publicize its opinions and recommendations;

(d) Meet on a regular basis and whenever necessary in the presence of all its members after they have been duly convened;

(e) Establish working groups from among its members as necessary, and set up local or regional sections to assist it in discharging its functions;

(f) Maintain consultation with the other bodies, whether jurisdictional or otherwise, responsible for the promotion and protection of human rights (in particular ombudsmen, mediators and similar institutions);

(g) In view of the fundamental role played by the non-governmental organizations in expanding the work of the national institutions, develop relations with the non-governmental organizations devoted to promoting and protecting human rights, to economic and social development, to combating racism, to protecting particularly vulnerable groups (especially children,

migrant workers, refugees, physically and mentally disabled persons) or to specialized areas.

Additional principles concerning the status of commissions with quasi-jurisdictional competence

A national institution may be authorized to hear and consider complaints and petitions concerning individual situations. Cases may be brought before it by individuals, their representatives, third parties, non-governmental organizations, associations of trade unions or any other representative organizations. In such circumstances, and without prejudice to the principles stated above concerning the other powers of the commissions, the functions entrusted to them may be based on the following principles:

(a) Seeking an amicable settlement through conciliation or, within the limits prescribed by the law, through binding decisions or, where necessary, on the basis of confidentiality;

(b) Informing the party who filed the petition of his rights, in particular the remedies available to him, and promoting his access to them;

(c) Hearing any complaints or petitions or transmitting them to any other competent authority within the limits prescribed by the law;

(d) Making recommendations to the competent authorities, especially by proposing amendments or reforms of the laws, regulations and administrative practices, especially if they have created the difficulties encountered by the persons filing the petitions in order to assert their rights.

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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/48/632/Add.2)]

48/135. Internally displaced persons

The General Assembly,

Deeply disturbed by the large number of internally displaced persons throughout the world, and conscious of the serious problem this is creating for the international community,

Recalling the relevant norms of international human rights instruments as well as of international humanitarian law,

Conscious of the human rights as well as the humanitarian dimensions of the problem of internally displaced persons,

Conscious also of the need for the United Nations system to gather information comprehensively on the issues of the protection of the human rights of and assistance to internally displaced persons,

Welcoming the initiative of the Commission on Human Rights on this question and, in particular, its resolution 1992/73 of 5 March 1992, 1/ by which it requested the Secretary-General to appoint a representative to study the human rights issues related to internally displaced persons, and Commission resolution 1993/95 of 11 March 1993, 2/ by which it requested the

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1/ See Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

2/ Ibid., 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

Secretary-General to mandate his representative for two years to continue his work aimed at a better understanding of the problems faced by internally displaced persons and their possible long-term solutions,

Bearing in mind the Vienna Declaration and Programme of Action, 3/ which calls for a comprehensive approach by the international community with regard to refugees and displaced persons,

Welcoming the support provided to the representative of the Secretary-General by the Office of the United Nations High Commissioner for Refugees, the Department for Humanitarian Affairs of the Secretariat and other intergovernmental and non-governmental organizations,

Welcoming also the decision by the Executive Committee of the Office of the United Nations High Commissioner for Refugees to extend, on a case-by-case basis and under specific circumstances, protection and assistance to the internally displaced,

Taking note of the comprehensive study of the representative of the Secretary-General, 4/ submitted to the Commission on Human Rights at its forty-ninth session, and the useful suggestions and recommendations contained therein,

1. Takes note with appreciation of the report of the representative of the Secretary-General; 5/

2. Encourages the representative, through dialogue with Governments, to continue his review of the needs for international protection of and assistance to internally displaced persons, including his compilation and analysis of existing rules and norms;

3. Invites the representative to present suggestions and recommendations with regard to ways and means, including the institutional aspects, of providing effective protection of and assistance to internally displaced persons;

4. Calls upon all Governments to continue to facilitate the activities of the representative, encourages them to give serious consideration to inviting the representative to visit their countries so as to enable him to study and analyse more fully the issues involved, and thanks those Governments which have already done so;

3/ A/CONF.157/24 (Part I), chap. III.

4/ E/CN.4/1993/35, annex.

5/ A/48/579, annex.

5. Urges all concerned United Nations agencies and organizations to provide all possible assistance and support to the representative in the implementation of his programme of activities;

6. Decides to continue its consideration of this question at its fiftieth session.

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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/48/632/Add.2)]

48/136. Plight of street children

The General Assembly,

Recalling its resolution 47/126 of 18 December 1992,

Taking note of Commission on Human Rights resolution 1993/81 of 10 March 1993, 1/

Welcoming the special attention given to the rights of children by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and welcoming in particular section I, paragraph 21, of the Vienna Declaration and Programme of Action, 2/

Recalling the Convention on the Rights of the Child 3/ as a major contribution to the protection of the rights of all children, including street children,

Reaffirming that children are a particularly vulnerable section of society whose rights require special protection and that children living under

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1/ See Official Records of the Economic and Social Council, 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

2/ A/CONF.157/24 (Part I), chap. III.

3/ Resolution 44/25, annex.

/...

especially difficult circumstances, such as street children, deserve special attention, protection and assistance from their families and communities and as part of national efforts and international cooperation,

Recognizing that all children have the right to health, shelter and education, to an adequate standard of living and to freedom from violence and harassment,

Deeply concerned about the growing number of street children worldwide and the squalid conditions in which these children are often forced to live,

Profoundly concerned that the killing of and violence against street children threatens the most fundamental right of all, the right to life,

Alarmed at continuing serious offences of this nature against street children,

Recognizing the responsibility of Governments to investigate all cases of offences against children and to punish offenders,

Recognizing also that legislation per se is not enough to prevent violations of human rights, including those of street children, and that Governments should implement their laws and complement legislative measures with effective action, inter alia, in the fields of law enforcement and in the administration of justice,

Welcoming the efforts made by some Governments to take effective action to address the question of street children,

Welcoming also the publicity given to, and the increased awareness of, the plight of street children, and the achievements of non-governmental organizations in promoting the rights of these children and in providing practical assistance to improve their situation, and expressing its appreciation for their continued efforts,

Welcoming further the valuable work of the United Nations Children's Fund and its National Committees in reducing the suffering of street children,

Noting with appreciation the important work carried out in this field by the United Nations, in particular the Committee on the Rights of the Child, the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography and the United Nations International Drug Control Programme,

Bearing in mind the diverse causes of the emergence and marginalization of street children, including poverty, rural-to-urban migration, unemployment, broken families, intolerance and exploitation, and that such causes are often aggravated and their solution made more difficult by serious socio-economic difficulties,

Bearing in mind that in the Vienna Declaration and Programme of Action, the World Conference on Human Rights urged all States, with the support of international cooperation, to address the acute problem of children in especially difficult circumstances and urged that national and international mechanisms and programmes should be strengthened for the defence and protection of children, including street children,

Recognizing that the prevention and solution of certain aspects of this phenomenon could also be facilitated in the context of economic and social development,

1. Expresses grave concern at the continued growth in the number of incidents worldwide and at reports of street children being involved in or affected by serious crime, drug abuse, violence and prostitution;

2. Urges Governments to continue actively to seek comprehensive solutions to tackle the problems of street children and to take measures to restore their full participation in society and to provide, inter alia, adequate nutrition, shelter, health care and education;

3. Strongly urges Governments to respect fundamental human rights, particularly the right to life, and to take urgent measures to prevent the killing of street children and to combat torture and violence against street children;

4. Emphasizes that strict compliance with the provisions of the Convention on the Rights of the Child 3/ constitutes a significant step towards solving the problems of street children, and calls upon all States that have not done so to become parties to the Convention as a matter of priority;

5. Calls upon the international community to support, through effective international cooperation, the efforts of States to improve the situation of street children, and encourages States parties to the Convention , in preparing their reports to the Committee on the Rights of the Child, to bear this problem in mind and to consider requesting, or indicating their need for, technical advice and assistance for initiatives aimed at improving the situation of street children, in accordance with article 45 of the Convention;

6. Reiterates its invitation to the Committee on the Rights of the Child to consider the possibility of a general comment on street children;

7. Recommends that the Committee on the Rights of the Child and other relevant treaty-monitoring bodies bear this growing problem in mind when examining reports from States parties;

8. Invites Governments, United Nations bodies and organizations and intergovernmental and non-governmental organizations to cooperate and to ensure greater awareness and more effective action to solve the problem of street children by, among other measures, supporting development projects that can have a positive impact on the situation of street children;

9. Calls upon special rapporteurs, special representatives and working groups of the Commission on Human Rights and the Subcommission on the Prevention of Discrimination and Protection of Minorities, within their mandates, to pay particular attention to the plight of street children;

10. Decides to consider the question further at its forty-ninth session under the item entitled "Human rights questions".

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48/137. Human rights in the administration of justice

The General Assembly,

Recalling its resolution 46/120 of 17 December 1991,

Bearing in mind the principles embodied in articles 3, 5, 9, 10 and 11 of the Universal Declaration of Human Rights 1/ and the relevant provisions of the International Covenant on Civil and Political Rights and the Optional Protocols thereto, 2/ in particular article 6 of the Covenant, in which it is stated explicitly that no one shall be arbitrarily deprived of his life and prohibits the imposition of the death penalty for crimes committed by persons below eighteen years of age,

Bearing in mind also the relevant principles embodied in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 3/ and in the International Convention on the Elimination of All Forms of Racial Discrimination, 4/

1/ Resolution 217 A (III).

2/ See resolution 2200 A (XXI), annex, and resolution 44/128, annex.

3/ Resolution 39/46, annex.

4/ Resolution 2106 A (XX), annex.

Mindful of the Convention on the Elimination of All Forms of Discrimination against Women, 5/ in particular of the obligation of States parties to treat men and women equally in all stages of procedures in courts and tribunals,

Calling attention to the numerous international standards in the field of the administration of justice, such as the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 6/ the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 7/ the safeguards guaranteeing protection of the rights of those facing the death penalty, 8/ the Basic Principles on the Independence of the Judiciary, 9/ the Basic Principles on the Role of Lawyers, 10/ the Model Agreement on the Transfer of Foreign Prisoners and recommendations on the treatment of foreign prisoners, 9/ the Code of Conduct for Law Enforcement Officials, 11/ the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 10/ the Standard Minimum Rules for the Treatment of Prisoners, 12/ the Basic Principles for the Treatment of Prisoners, 13/ the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, 14/ the Guidelines on the Role of Prosecutors, 15/ the United Nations Standard Minimum Rules for Non-Custodial Measures (the Tokyo Rules), 16/

5/ Resolution 34/180, annex.

6/ Resolution 43/173, annex.

7/ Resolution 40/34, annex.

8/ Economic and Social Council resolution 1984/50, annex.

9/ See Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.

10/ See Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.

11/ Resolution 34/169, annex.

12/ See Human Rights: A Compilation of International Instruments (United Nations publication, Sales No. E.88.XIV.1).

13/ Resolution 45/111, annex.

14/ Resolution 45/113, annex.

15/ See Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. C, resolution 26.

16/ Resolution 45/110, annex.

the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), 17/ the Model Treaty on the Transfer of Proceedings in Criminal Matters 18/ and the Model Treaty on the Transfer of Supervision of Offenders Conditionally Sentenced or Conditionally Released, 19/

Recalling its resolution 47/133 of 18 December 1992, by which it adopted the Declaration on the Protection of All Persons from Enforced Disappearance,

Welcoming the important work of the Commission on Human Rights and of the Subcommission on Prevention of Discrimination and Protection of Minorities in the field of human rights in the administration of justice, in particular regarding the independence of the judiciary, the independence of judges and lawyers, the right to a fair trial, habeas corpus, human rights and states of emergency, the question of arbitrary detention, the human rights of juveniles in detention, the privatization of prisons and the question of the impunity of perpetrators of violations of human rights,

Taking note of resolution 1993/39 of 26 August 1993 of the Subcommission on Prevention of Discrimination and Protection of Minorities, entitled "Independence of the judiciary", 20/

Welcoming Commission on Human Rights resolutions 1993/32 of 5 March 1993, entitled "The administration of justice and human rights", and 1993/41 of 5 March 1993, entitled "Human rights in the administration of justice", 21/

Welcoming also the important work of the Commission on Crime Prevention and Criminal Justice in the field of human rights in the administration of justice, as reflected in section III of Economic and Social Council resolution 1993/34 of 27 July 1993,

Recognizing that the rule of law and the proper administration of justice are prerequisites for sustainable economic and social development,

Recognizing the central role of the administration of justice in the promotion and protection of human rights,

Aware of the importance of national and regional intergovernmental human rights bodies and institutions in the promotion and protection of human rights,

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17/ Resolution 40/33, annex.

18/ Resolution 45/118, annex.

19/ Resolution 45/119, annex.

20/ See E/CN.4/1994/2-E/CN.4/Sub.2/1993/58, chap. II, sect. A.

21/ See Official Records of the Economic and Social Council, 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

Having considered the report of the Secretary-General, 22/

Mindful of the recommendations relating to human rights in the administration of justice contained in the Vienna Declaration and Programme of Action, 23/ adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,

1. Takes note with appreciation of the report of the Secretary-General; 22/

2. Reaffirms the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

3. Acknowledges that it is the primary responsibility of all Governments to promote and protect human rights;

4. Acknowledges also that the administration of justice, including law enforcement and prosecutorial agencies and, especially, an independent judiciary and legal profession in full conformity with applicable standards contained in international human rights instruments, are essential to the full and non-discriminatory realization of human rights and indispensable to the processes of democracy and sustainable development;

5. Once again calls upon all States to pay due attention to United Nations norms and standards on human rights in the administration of justice in developing national and regional strategies for their practical implementation and to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as for adequate financial resources to ensure more effective implementation of those norms and standards;

6. Appeals to Governments to include in their national development plans the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal-aid services with a view to the promotion and protection of human rights;

7. Urges the Secretary-General to consider favourably requests for assistance by States in the field of the administration of justice within the framework of the United Nations programme of advisory services and technical cooperation in the field of human rights and to strengthen coordination of activities in this field;

8. Strongly recommends, in this context, that the establishment of a comprehensive programme within the system of advisory services and technical assistance be considered in order to help States in the task of building and strengthening adequate national structures that have a direct impact on the

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22/ A/48/575.

23/ A/CONF.157/24 (Part I), chap. III.

overall observance of human rights and the maintenance of the rule of law; such a programme should provide, upon the request of the interested Governments, technical and financial assistance to national projects for the reform of penal and correctional establishments, and the education and training of lawyers, judges and security forces in human rights, and in any other sphere of activity relevant to the good functioning of the rule of law;

9. Acknowledges that institutions concerned with the administration of justice should be properly funded, and an increased level of both technical and financial assistance should be provided by the international community;

10. Appeals to the international community to provide assistance, at the request of the Governments concerned, for the provision of legal-aid services with a view to ensuring the promotion, protection and full enjoyment of human rights;

11. Invites the international community to respond favourably to requests for financial and technical assistance made by institutions concerned with the promotion and protection of human rights, with a view to enhancing and strengthening their national capacities to promote and protect human rights consistent with the standards set forth in international and other human rights instruments;

12. Acknowledges the important role of the regional commissions, specialized agencies and United Nations institutes in the area of human rights and crime prevention and criminal justice, and of other organizations of the United Nations system, as well as intergovernmental and non-governmental organizations, including national professional associations concerned with promoting United Nations standards in this field;

13. Invites the Commission on Crime Prevention and Criminal Justice to pay particular attention to questions relating to the administration of justice, with special emphasis on the effective implementation of norms and standards;

14. Decides to consider the question of human rights in the administration of justice at its fiftieth session under the item entitled "Human rights questions".

85th plenary meeting
20 December 1993

UNITED NATIONS **A**

General Assembly

Distr.
GENERAL

A/RES/48/138
4 March 1994

Forty-eighth session
Agenda item 114 (b)

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/48/632/Add.2)]

48/138. Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

The General Assembly,

Recalling its resolution 47/135 of 18 December 1992, by which it adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

Conscious of the need effectively to promote and protect the rights of persons belonging to minorities, as set out in the Declaration,

Noting the importance of an even more effective implementation of international human rights instruments with regard to the rights of all persons, including those belonging to national or ethnic, religious and linguistic minorities,

Welcoming Commission on Human Rights resolution 1993/24 of 5 March 1993 on the rights of persons belonging to national or ethnic, religious and linguistic minorities, 1/

1/ See Official Records of the Economic and Social Council, 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

Noting that resolutions 1993/42 and 1993/43 adopted by the Subcommission on Prevention of Discrimination and Protection of Minorities on 26 August 1993 2/ are to be considered by the Commission on Human Rights at its fiftieth session,

Aware of the provisions of article 27 of the International Covenant on Civil and Political Rights 3/ concerning the rights of persons belonging to ethnic, religious or linguistic minorities,

Acknowledging that the United Nations has an increasingly important role to play regarding the protection of minorities by, inter alia, taking due account of the Declaration,

Concerned by the growing frequency and severity of disputes and conflicts concerning minorities in many countries, and their often tragic consequences,

Affirming that effective measures and the creation of favourable conditions for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, ensuring effective non-discrimination and equality for all, contribute to the prevention and peaceful solution of human rights problems and situations involving minorities,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political and social stability and peace, and enrich the cultural heritage of society as a whole of the States in which such persons live,

Reaffirming the obligation of States to ensure that persons belonging to minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law in accordance with the Declaration,

Welcoming initiatives aiming at disseminating information on the Declaration and at promoting understanding thereof,

Having considered the report of the Secretary-General on the effective promotion of the Declaration, 4/

2/ See E/CN.4/1994/2-E/CN.4/Sub.2/1993/58, chap. II, sect. A.

3/ See resolution 2200 A (XXI), annex.

4/ A/48/509 and Corr.1 and Add.1 and Add.1/Corr.1.

Mindful of the recommendations contained in section II, paragraphs 25 to 27, of the Vienna Declaration and Programme of Action, 5/ adopted unanimously by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,

1. Takes note of the report of the Secretary-General on the effective promotion of the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities; 4/

2. Urges States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration, including through the facilitation of their full participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development of their country;

3. Calls upon the Commission on Human Rights to examine ways and means to promote and protect effectively the rights of persons belonging to minorities, as set out in the Declaration;

4. Calls upon the Secretary-General to provide through the Centre for Human Rights of the Secretariat, at the request of Governments concerned and as part of the programme of advisory services and technical assistance of the Centre, qualified expertise on minority issues and human rights, as well as on the prevention and resolution of disputes, to assist in existing or potential situations involving minorities;

5. Appeals to States to take all the necessary legislative and other measures to promote and give effect, as appropriate, to the principles of the Declaration;

6. Also appeals to States to make bilateral and multilateral efforts, as appropriate, to protect the rights of persons belonging to national or ethnic, religious and linguistic minorities in their countries, in accordance with the Declaration;

7. Urges all treaty bodies and special representatives, special rapporteurs and working groups of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities to give due regard to the promotion and protection of the rights of persons belonging to minorities, as set forth in the Declaration, as appropriate, within their mandates;

8. Encourages intergovernmental and non-governmental organizations to continue to contribute to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

5/ A/CONF.157/24 (Part I), chap. III.

9. Invites the Secretary-General to continue the dissemination of information on the Declaration and the promotion of understanding thereof, including, as appropriate, in the context of the training of United Nations personnel;

10. Requests the Secretary-General to report to the General Assembly at its forty-ninth session on the implementation of the present resolution under the item entitled "Human rights questions".

85th plenary meeting
20 December 1993

UNITED NATIONS **A**

General Assembly

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4 March 1994

Forty-eighth session
Agenda item 114 (b)

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/48/632/Add.2)]

48/139. Human rights and mass exoduses

The General Assembly,

Mindful of its general humanitarian mandate under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms,

Noting that the report of the Secretary-General entitled "An Agenda for Peace" 1/ identifies the protection of human rights as an important element of peace, security and economic well-being, and highlights the importance of preventive diplomacy,

Deeply disturbed by the increasing scale and magnitude of exoduses of refugees and displacements of population in many regions of the world and by the suffering of millions of refugees and displaced persons,

Conscious of the fact that human rights violations are one of the multiple and complex factors causing mass exoduses of refugees and displaced persons,

Deeply preoccupied by the increasingly heavy burden being imposed, particularly upon developing countries with limited resources of their own and upon the international community as a whole, by these sudden mass exoduses and displacements of population,

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1/ A/47/277-S/24111.

Stressing the need for strengthening international cooperation aimed at averting new massive flows of refugees while providing durable solutions to actual refugee situations,

Reaffirming its resolution 41/70 of 3 December 1986, in which it endorsed the conclusions and recommendations contained in the report of the Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees, 2/

Bearing in mind its resolution 46/127 of 17 December 1991 and Commission on Human Rights resolution 1993/70 of 10 March 1993, 3/ as well as all previous relevant resolutions of the General Assembly and the Commission,

Noting that the Secretary-General, in his report on the strengthening of the coordination of humanitarian emergency assistance of the United Nations, 4/ states that in complex emergencies, humanitarian assistance is essential but must be complemented by measures to address the root causes of such emergencies, and that the establishment of the inter-agency consultation on early warning serves the purposes of both prevention and preparedness,

Noting also that the Executive Committee of the Programme of the United Nations High Commissioner for Refugees has specifically acknowledged the direct relationship between the observance of human rights standards, refugee movements and problems of protection,

1. Recalls its endorsement, in its resolution 41/70, of the recommendations and conclusions contained in the report of the Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees, including, inter alia, the call upon all States to promote human rights and fundamental freedoms and to refrain from denying these to individuals in their population because of nationality, ethnicity, race, religion or language;

2. Once again invites all Governments and intergovernmental and humanitarian organizations concerned to intensify their cooperation with and assistance to world-wide efforts to address the serious problems resulting from mass exoduses of refugees and displaced persons, and also the causes of such exoduses;

3. Requests all Governments to ensure the effective implementation of the relevant international instruments, in particular in the field of human rights and humanitarian law, as this would contribute to averting new massive flows of refugees and displaced persons;

4. Requests all United Nations bodies, including the United Nations human rights treaty bodies, the specialized agencies and governmental, intergovernmental and non-governmental organizations, to cooperate fully with

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2/ A/41/324, annex.

3/ See Official Records of the Economic and Social Council, 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

4/ A/47/595.

all mechanisms of the Commission on Human Rights and, in particular, to provide them with all relevant and accurate information in their possession on the human rights situations creating or affecting refugees and displaced persons within their mandates;

5. Welcomes the recommendation in Commission on Human Rights resolution 1993/70 that special rapporteurs, special representatives and working groups studying situations of violation of human rights pay attention to problems resulting in mass exoduses of populations and, where appropriate, report and make relevant recommendations to the Commission;

6. Notes that the Executive Committee of the Programme of the United Nations High Commissioner for Refugees has specifically acknowledged the direct relationship between the observance of human rights standards, refugee movements, problems of protection and solutions;

7. Welcomes the contributions of the United Nations High Commissioner for Refugees to the deliberations of international human rights bodies, and encourages her to seek ways to make these contributions even more effective;

8. Also welcomes the statement made by the High Commissioner at the forty-ninth session of the Commission on Human Rights, on 3 March 1993, in which she emphasized the need for early response by the international community to human rights situations that threaten to generate refugees and displaced persons or that impede their voluntary return;

9. Encourages States that have not already done so to accede to the 1951 Convention relating to the Status of Refugees 5/ and the Protocol thereto, of 1967; 6/

10. Takes note with appreciation of the emphasis placed by the Secretary-General in his report to the General Assembly at its forty-seventh session on the need to develop the capacity of the United Nations for early warning and preventive diplomacy to help deter humanitarian crises; 4/

11. Reaffirms, in this regard, its previous resolutions on the question of human rights and mass exoduses, and requests the Secretary-General, in the further development of the capacity of the Secretariat for early warning and preventive diplomacy, to pay particular attention to international cooperation to avert new flows of refugees;

12. Notes, in this connection, that mass movements of populations are caused by multiple and complex factors, which indicates that early warning requires an intersectoral and multidisciplinary approach;

5/ United Nations, Treaty Series, vol. 189, No. 2545.

6/ Ibid., vol. 606, No. 8791.

13. Encourages the Secretary-General especially to continue to discharge the task described in the report of the Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees, including the continuous monitoring of all potential outflows, and to implement the recommendations of the Joint Inspection Unit contained in its report on the coordination of activities related to early warning of possible refugee flows; 7/

14. Urges the Secretary-General to attach high priority and to allocate the necessary resources from the regular budget of the United Nations to the consolidation and strengthening of the system for undertaking early-warning activities in the humanitarian area by, inter alia, the designation of the Department of Humanitarian Affairs of the Secretariat as the focal point for early warning in this area and strengthened coordination between relevant offices of the Secretariat concerned with early warning and organizations of the United Nations system, for the purpose of ensuring, inter alia, that effective action is taken to identify human rights abuses that contribute to mass outflows of persons;

15. Welcomes the decision by the Administrative Committee on Coordination to establish a regular United Nations inter-agency early-warning consultation related to possible flows of refugees and displaced persons, based on the sharing and analysis of relevant information between United Nations bodies and the development of collective recommendations for action to alleviate, inter alia, the possible causes of new flows of refugees and displaced persons;

16. Also welcomes the decision by the Administrative Committee on Coordination to designate the Department of Humanitarian Affairs as the focal point of the United Nations inter-agency early-warning consultation;

17. Urges the Department of Humanitarian Affairs to take the necessary steps to function effectively as the focal point of the inter-agency early-warning consultation;

18. Urges all the bodies involved in the inter-agency consultation to cooperate fully in, and devote the necessary resources to, the successful operation of the consultation;

19. Invites the Commission on Human Rights to keep the question of human rights and mass exoduses under review with a view to supporting the early-warning arrangement instituted by the Secretary-General to avert new massive flows of refugees and displaced persons;

20. Requests the Secretary-General to report to the General Assembly at its fiftieth session on the strengthened role that he is playing in undertaking early-warning activities, especially in the areas of human rights and humanitarian assistance, as well as on any further developments relating to the recommendations contained in the report of the Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees and the recommendations of the Joint Inspection Unit;

7/ A/45/649 and Corr.1, annex.

21. Invites the Secretary-General to include in his report to the General Assembly at its fiftieth session detailed information on the programmatic, institutional, administrative, financial and managerial efforts instituted to enhance the capacity of the United Nations to avert new flows of refugees and to tackle the root causes of such outflows;

22. Decides to continue its consideration of the question of human rights and mass exoduses at its fiftieth session.

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20 December 1993

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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/48/632/Add.2)]

48/140. Human rights and scientific and technological progress

The General Assembly,

Noting that scientific and technological progress is one of the decisive factors in the development of human society,

Bearing in mind the relevant provisions of the Universal Declaration of Human Rights, 1/ the International Covenant on Economic, Social and Cultural Rights, 2/ the International Covenant on Civil and Political Rights, 2/ and the Declaration on Social Progress and Development, 3/

Reaffirming the importance of its resolution 45/95 of 14 December 1990, by which it adopted guidelines for the regulation of computerized personal data files, and its resolution 46/119 of 17 December 1991, by which it adopted the Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care,

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1/ Resolution 217 A (III).

2/ See resolution 2200 A (XXI), annex.

3/ Resolution 2542 (XXIV).

Welcoming with satisfaction Commission on Human Rights resolution 1993/91 entitled "Human rights and bioethics" 4/ and Commission decision 1993/113 entitled "Question of the follow-up to the guidelines for the regulation of computerized personal files", 5/ adopted on 10 March 1993,

Welcoming the relevant paragraphs of the Vienna Declaration and Programme of Action, 6/ adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,

Aware that everyone has the right to enjoy the benefits of scientific progress and its applications,

Reaffirming the need to respect human rights and fundamental freedoms and the dignity of the human person in the conditions of scientific and technological progress,

Noting that certain advances, notably in the biomedical and life sciences as well as in information technology, may have potentially adverse consequences for the integrity, dignity and human rights of the individual, and that illicit dumping of toxic and dangerous substances and waste potentially constitutes a serious threat to the human rights, the life and health of everyone,

Considering that the human being is in the centre of social and economic development,

Conscious that modern science and technology give the possibility to create material conditions for the prosperity of society and for the thorough development of the human person,

Recognizing the need for international cooperation so that all mankind can benefit from the achievements of scientific and technological progress and so that their use in favour of economic and social progress can be to the benefit of all,

Convinced of the need to develop life science ethics both nationally and internationally,

1. Calls upon all Member States to ensure that the achievements of scientific and technological progress and the intellectual potential of mankind are used for promoting and encouraging universal respect for human rights and fundamental freedoms;

4/ See Official Records of the Economic and Social Council, 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

5/ Ibid., sect. B.

6/ A/CONF.157/24 (Part I), chap. III.

2. Once again calls upon Member States to take the necessary measures to ensure that the results of science and technology are used only for the benefit of the human being and do not lead to the disturbance of the ecological environment, that is, inter alia, measures against the illicit dumping of toxic and dangerous products and waste;

3. Emphasizes the fact that many advances in scientific knowledge and technology in health, education, housing and other social spheres should be readily available to the populations as the heritage of humanity, with a view to sustainable development, taking into account the need to protect intellectual property rights;

4. Requests the specialized agencies and other United Nations bodies to inform the Secretary-General of the activities and programmes carried out to ensure development of life and technical sciences respectful of human rights, in order to contribute to the reports of the Secretary-General requested in resolution 1993/91 and decision 1993/113 of the Commission on Human Rights;

5. Decides to consider the question of human rights and scientific and technological progress at its fiftieth session under the item entitled "Human rights questions".

85th plenery meeting
20 December 1993